

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

GREGORY A THOMPSON

Plaintiff

vs.

24 CV 501 JDP
Case No.

ABE DEGNAN
FREEDOM STORAGE SHOPS LLC

Defendants

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Gregory A. Thompson (hereinafter, "Thompson") brings a copyright infringement cause of action against Abe Degnan ("Degnan") and Freedom Storage Shops LLC ("FSS"), (collectively, "Defendants") and alleges as follows:

1. Pursuant to 17 U.S.C. §106(1), (2), (3) and (5) Defendants violated Thompson's exclusive rights to his federal copyright with a registration number VAu 1-297-484.

Jurisdiction and Venue

2. The Court has jurisdiction over this action pursuant to under 28 U.S.C. §1338.
3. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) and (2) because the actions giving rise to the copyright infringement allegations occurred in the Western District of Wisconsin, and the Defendants reside in the Western District of Wisconsin.

Statement of Claim

Parties

4. Plaintiff Gregory A. Thompson is an individual residing at 6810 Cross Country Rd, Verona WI, 53593. Thompson is a principal in numerous real estate developments associated with the StorageShopUSA™ tradename.
5. Abe Degnan is an individual residing at 6846 Conservancy Place, Deforest WI 53532. Degnan's primary business is Degnan Design Builders, Inc with a principle corporate activity of kitchen and bath remodeling, basement refinishing, home additions, and custom homes.
6. Freedom Storage Shops LLC is a Wisconsin Limited Liability Company with a principal place of business at 6846 Conservancy Place, Deforest WI 53532 Abe Degnan is a principal and the registered agent for FSS.

Factual Allegations

7. In 2003, Thompson created a commercial real estate development and named it StorageShopUSA™. Today, Thompson has developed twenty-eight (28) StorageShopUSA™ locations throughout Wisconsin and one (1) in Ohio. Two-hundred and thirty-eight (238) StorageShopUSA™ buildings have been constructed with sixty-five (65) more approved and ready for construction. A "StorageShop" is a commercial duplex with a "residential look and feel" you can utilize for storage, business or personal needs and sold under condominium form of ownership. Four-hundred and seventy-six (476) units have been sold to date amounting to approximately \$60,000,000 in sales. ALL but eight of the StorageShopUSA™ buildings are the same because they each were built using Thompson's copyrighted architectural drawings (VA u 1-297-484)

8. Thompson engaged the law firm of *Boardman & Clark* of Madison to file and obtain the copyright for his StorageShopUSA™ building plans and was issued a registration number VAu 1-297-484. Thompson registered his copyright in the United States Copyright Office December 7, 2017.
9. For a fee, Thompson authorizes the use of the copyrighted plans through a license agreement.
10. Defendants submitted a Development Review Application on October 11, 2023 to the Village of Windsor which included plans that copied the StorageShopUSA™ building design. Degnan even named the project *Freedom Storage Shops* and referenced his similarity to the StorageShopUSA™ development in his project narrative.
11. In late December of 2023, Thompson received a call from his electrical contractor wondering if he was involved with the other “storageshops” in Windsor for which he received plans to provide an estimate. Thompson investigated and discovered Defendants’ Development Review Application.
12. Thompson sent Defendants a letter on January 6, 2024, demanding they cease and desist from use of the copyright plans. A few days later, on January 9, 2024, Defendants responded “this is all our own design but thanks for the inquiry”
13. Defendants’ Freedom Storage Shops development was approved January 11, 2024, by the Village Plan Commission, and subsequently approved by the Village Board on January 18, 2024. The Village staff report compared their project to StorageShopUSA™ numerous times.
14. Defendants printed construction plans for their building permits for seven (7) buildings on or about June 4, 2024. Thompson obtained a copy of those plans from the Village of Windsor. There were no material differences between the

development plans submitted in October of 2023 and the construction plans submitted for the building permits.

15. Defendants' plans show 50ft by 50ft commercial duplex condominiums with a residential look and feel. Defendants' plans are nearly identical to Thompson's copyrighted plans in size, shape, orientation, components, exterior finishes, room dimensions, and materials.
16. Degnan became aware of the StorageShopUSA™ development when he attended the Village of Windsor Plan Commission meeting January 12, 2023; whereby, Degnan, representing Degnan Building and Design Inc, was there to support his proposed Mixed-Use Residential and Commercial Development and ended up sitting through Thompson's StorageShopUSA™ development proposal discussion. Both projects were approved.
17. A few weeks later, Degnan and Thompson appeared before the Village Board on February 2, 2023, for approval of their respective projects. Again, Degnan ended up sitting through Thompson's StorageShopUSA™ development discussion and witnessed its approval. Degnan's development was denied. One week later, Degnan withdrew his proposed development from any further consideration.
18. Degnan had access to the StorageShopUSA™ building plans through the Village of Windsor's open records policy.
19. After Degnan withdrew his proposed development, he entered into a purchase contract for Century Center Condominium Unit 5 located at 6592 Lake Rd Unit 5 in the Village of Windsor which is the location of the current Freedom Storage Shops Development. Their location is only 0.8 miles from Thompson's 3rd phase of his StorageShopUSA™ Windsor development which was approved June 20, 2024.

20. Degnan Organized Freedom Storage Shops LLC on June 17, 2023
21. Defendants performed field/survey work July 6-7, 2023.
22. Degnan purchased Century Center Condominium Unit 5 on Feb 9, 2024
23. Defendants had a ground-breaking ceremony to start construction on May 24, 2024.
24. In May of 2024, Defendants created a Freedom Storage Shops Facebook page and started using images/renderings of their proposed plans to advertise the commercial condominium units for sale.

Cause of Action

25. Thompson owns architectural drawings with a valid copyright registration (VAu 1-297-484) that when constructed, the buildings express an original and unique commercial condominium duplex with a residential look and feel. Defendants submitted plans and obtained building permits to construct seven (7) buildings that are substantially similar, or at a minimum, constitute a derivative work that infringe on Thompson's protected works in violation of 17 U.S.C. §106 (1) and (2). Each building constructed would constitute an infringement.
26. Degnan became aware of the StorageShopUSA™ development concept and building design when he sat through several Village of Windsor meetings where it was discussed.
27. Degnan recognized the StorageShopUSA™ concept potential, withdrew his proposed development plans one week after the Village of Windsor meeting, and

then began searching for land where he could develop a project like the StorageShopUSA™ development.

28. Degnan recognized the success of the StorageShopUSA™ projects, had access to Thompson's architectural plans and then intentionally used those plans to produce substantially similar building plans for his Freedom Storage Shops development; therefore, infringed on Thompson's copyright protected works. Defendants' plans are substantially similar in too many ways to have been the product of independent creation.

29. The buildings were so substantially similar even Thompson's electrical contractor thought Thompson was involved in the Freedom Storage Shops development.

30. Defendants infringed on Thompson's copyright by publicly displaying on the Freedom Storage Shops Facebook page, for purposes of advertising and marketing, unauthorized copies or derivatives thereof, in violation of 17 U.S.C. §106(5).

31. Defendants will infringe on Thompson's copyright by building and selling one of the Freedom Storage Shop buildings which are based upon copies or derivatives of his works, in violation of 17 U.S.C. §106(3).

32. Defendants used their infringing architectural plans, to garner approval from the Village of Windsor, advertise for sale the commercial condominium units on social media and when they build and sell the commercial condominium units, will unjustly profit from Thompson's proprietary designs causing him commercial harm.

33. Defendants were notified of their infringement actions and failed to comply with Thompson's demand to cease and desist constituting a willful disregard for

Thompson's rights making them subject not only actual damages, but statutory damages in the amount of \$150,000 each occurrence. (17 U.S.C. §504(c))

34. The conduct of FSS was performed and accomplished through the direction, control and conduct of Degnan, who, as principal, owner, member of FSS had the ability to prevent FSS from infringing Thompson's works. Accordingly, Degnan is personally liable to Thompson as a joint and/or contributory infringer or is otherwise vicariously liable.

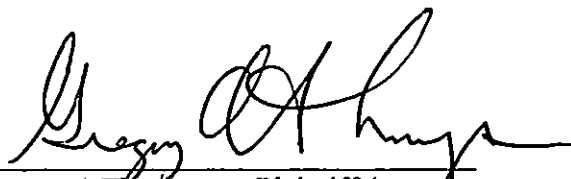
Prayer for Relief

WHEREFORE, Gregory A. Thompson requests the Court to enter a judgment against the Defendants, jointly, and severally as follows:

- a. Declare that the Defendants' actions constituted a willful infringement of Thompson's copyright with the registration number VAu 1-297-484 pursuant to 17 U.S.C. §106 (1),(2),(3) and (5).
- b. For statutory damages for each violation, in lieu of actual damages, to be determined at trial.
- c. For attorney fees (if any), court costs, and taxable costs.
- d. For such relief as the Court determines to be just and equitable.

Plaintiff hereby demands a **TRIAL BY JURY**

Dated this 24th day of July 2024.



Gregory A Thompson, Plaintiff (pro se)
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